

533 Rec'd PCT/PTO 04 SEP 2001

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

UPMEYER=4

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/914773

INTERNATIONAL APPLICATION NO.

PCT/EP00/01674

INTERNATIONAL FILING DATE

29 February 2000

PRIORITY CLAIMED

2 March 1999

TITLE OF INVENTION

SHELF STACKING MACHINE

APPLICANT(S) FOR DO/EO/US

Ulrich UPMEYER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected in a Demand by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not transmitted by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☐ A substitute specification.
 15. ☐ A change of power of attorney and/or address letter.
 16. ☒ Other items or information:
 - ☒ Courtesy copy of the first page of the International Publication (WO 00/51931).
 - ☒ Courtesy copy of the International Preliminary Examination Report. There were no annexes
 - ☒ Courtesy Copy of the International Search Report.
- ☒ The application is (or will be) assigned to: WEST-FALIA-WST-SYSTEMTECHNIK GMBH & CO. KG, whose address is Freistrasse 30, D-33829 Borgholzhausen, Germany.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/914773

International Application No.

PCT/EP00/01674

Attorney's Docket No.

UPMEYER=4

17. [xx] The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a)(1) - (5):

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO.....\$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO.....\$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but

international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

\$ 860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

Claims as Originally Presented

Number Filed

Number Extra

Rate

Total Claims

16 - 20

X \$18.00

\$

Independent Claims

1 - 3

X \$80.00

\$

Multiple Dependent Claims (if applicable)

+\$270.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 860.00

Claims After Post Filing Prel. Amend

Number Filed

Number Extra

Rate

Total Claims

- 20

X \$18.00

\$

Independent Claims

- 3

X \$78.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 860.00

Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.

\$ 430.00

SUBTOTAL =

\$ 430.00

Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 430.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 430.00

Amount to be:

refunded

\$

charged

\$

a. [] A check in the amount of \$ _____ to cover the above fees is enclosed.

b. [X] Credit Card Payment Form (PTO-2038), authorizing payment in the amount of \$ 430.00, is attached.

c. [] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____ to cover the above fees.

A duplicate copy of this sheet is enclosed.

d. [XX] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4035. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, N.W., SUITE 300
WASHINGTON, D.C. 20001

TEL: (202) 628-5197

FAX: (202) 737-3528

Date of this submission: Tuesday, September 4, 2001

Form PTO-1390 (as slightly revised by Browdy and Neimark)

SIGNATURE

Sheridan Neimark

NAME

20,520

REGISTRATION NUMBER

(Monday, Sept. 3, 2001, was Labor Day)